

2009 Sunset Public Hearing Questions for
COMMISSION OF INDIAN AFFAIRS
Created by Section 4-34-101, Tennessee Code Annotated
(*Sunset termination 30 June 2009*)

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COMMISSION OF INDIAN AFFAIRS

Created by Section 4-34-101, Tennessee Code Annotated

(Sunset termination 30 June 2009)

1. Provide a brief introduction to the Commission of Indian Affairs, including information about its purpose, statutory duties, staff, and administrative attachment.

The purpose of the Commission of Indian Affairs is to represent the Native American community interests in and to the State of Tennessee. House Bill 1530/Senate Bill 704 was passed by the House of Representatives and the Senate on 27 May 2003, and signed by the Governor on 13 June 2003.

By statute (TCA 4-34-102) the Commission's purposes are:

- (1) *Deal fairly and effectively with Indian affairs;*
- (2) *Research and find local, state and federal resources of funding and other assistance for the implementation or continuation of meaningful programs for Indian citizens of the state;*
- (3) *Provide aid and protection for Indians as needs are demonstrated;*
- (4) *Prevent undue hardships;*
- (5) *Assist Indian communities in social and economic development;*
- (6) *Promote recognition of, and the right of Indians to pursue cultural and religious traditions considered by them to be sacred and meaningful to Native Americans; and*
- (7) *Communicate with Tennessee's Indian communities and solicit communications from such Indian communities.*

By statute (TCA 4-34-103) the powers and duties of the Commission are to:

- (1) *Study, consider, accumulate, compile, assemble and disseminate information on any aspect of Indian affairs;*
- (2) *Investigate relief needs of Indians of Tennessee and to provide technical assistance in the preparation of plans for the alleviation of such needs;*
- (3) *Confer with appropriate officials of local, state and federal governments and agencies of these governments, and with such congressional commissions that may be concerned with Indian affairs;*
- (4) *Encourage and implement coordination of applicable resources to meet the needs of Indians in Tennessee;*
- (5) *Study the existing status of recognition of all Indian groups, tribes and communities presently existing in Tennessee;*
- (6) *Establish appropriate procedures to provide for legal recognition by the state of presently unrecognized tribes, nations, groups, communities or individuals, and to provide for official state recognition by the commission of such;*
- (7) *Cooperate with and secure the assistance of the local, state and federal governments or any agencies thereof in formulating any programs that the commission finds necessary or beneficial to Indians in Tennessee;*
- (8) *Coordinate any programs regarding Indian affairs adopted or planned by the federal government to the end that the commission secure the full benefit of such programs;*
- (9) *Review and comment on all proposed or pending state legislation and amendments to existing state legislation directly affecting Indians in Tennessee; and*
- (10) *Conduct public hearings on matters relating to Indian affairs and to subpoena any information or documents deemed necessary by the commission.*

The Commission meets on a quarterly basis to discuss issues of concern to the state's Indian community, supplemented by special meetings and public hearings, when necessary, on specific issues.

The Commission has no staff and no budget from the State (4-34-105. § J). By statute (TCA 4-34-108), the chairperson of the Commission, elected by the Commission, is assigned the "day-to-day responsibilities of the commission", essentially acting as executive director of the Commission.

The Commission is administratively attached to the Department of Environment and Conservation (TCA 4-34-107). TDEC General Counsel has been assigned by TDEC to the TCIA to provide legal advice.

2. Provide a list of current commission members, or their designees, and describe how membership complies with Section 4-34-104, Tennessee Code Annotated. Are there any vacancies on the commission and, if so, what is being done to fill those vacancies?

1. Valerie Ohle, East TN Grand Division, chairperson
2. tom kunesh, Chattanooga metro area, secretary
3. Jeanie Walkingstick King, Knoxville metro area
4. James Meeks, Middle TN Grand Division
5. Jimmie Thigpen, West TN Grand Division
6. Alice Henry, Memphis metro area
7. Clifford 'Bill' Wells, Nashville metro area

The Commission is out of compliance with TCA 4-34-104 b.(3):

"Preference in selection of at least five (5) Indian commissioners shall be given to Native American Indians, *i.e.*, persons having origins in any of the original peoples of North America, and who maintain cultural identification through tribal affiliation or community recognition."

Currently, only three (3) commissioners have requested and/or qualified for Indian Preference from the Tennessee Native American Convention (TNNAC) by providing proof of their Native American Indian heritage:

- Jeanie Walkingstick King, Knoxville metro area
enrolled member, Eastern Band of Cherokee
- tom kunesh, Chattanooga metro area, secretary
son of enrolled member, Standing Rock Sioux Tribe
- James Meeks, Middle TN Grand Division
former member, Cherokee Tribe of Northeast Alabama

There are no current commissioner vacancies.

Commissioner nominees are selected and ranked through democratic process and, to date, Indian Preference determinations have been left in the hands of TNNAC's "Genealogical Committee." The last elections were held in 2007.

The top ranking nominee from East Tennessee Grand Division was Valerie Ohle who was ultimately appointed by Gov. Bredesen in December 2007. Commissioner Ohle did not request or seek Indian Preference but does claim Native American Indian ancestry as a descendent of a Delaware family.

The top ranking nominee from West Tennessee Grand Division was incumbent Commissioner Evangeline Lynch, enrolled member of the Choctaw Nation of Oklahoma and Commission chair at the time of the elections. Former Commissioner Lynch was passed over for appointment by Lt. Gov. Ramsey who elected to appoint Jimmie Thigpen at the request of a constituent. Commissioner Thigpen did not seek Indian Preference, but does claim Native American Indian (Cherokee) ancestry.

Following those two appointments, the Commission *was* in compliance with the statute as it is allowed to have up to two seats filled by individuals who, for whatever reason, do not have Indian Preference. The following two appointments (below), however, moved the Commission out of compliance with the statute.

In January 2008, former Commissioner David Teat resigned. Mr. Teat (enrolled member, Cherokee Tribe of Northeast Alabama) was replaced by Bill Wells. While Commissioner Wells does not claim Native American Indian heritage, he is the husband of Mrs. Sally Wells, enrolled member of the Mississippi Band of Choctaw, and has been active in the Native American Indian Association (NAIA) since its inception.

In June 2008, former Commissioner Shelley Allen (Individual recognition as a Native American by the State of Tennessee on the 1991 roll of 89 individuals, "*State List of Recognized Individuals as Indians in Tennessee Only*") resigned from the Commission. Ms. Allen was appointed to replace Mrs. Ruth Knight Allen who had resigned before the end of her term. TNNAC supplied an "ordered" list of candidates eligible for consideration. The top candidate, Mrs. Helen Vinson, is an enrolled member of the Monacan Nation recognized by the Commonwealth of Virginia. Again, Lt. Gov. Ramsey bypassed the ranking system and order and appointed Alice G. Henry. Commissioner Henry claims Native American Indian (Cherokee) heritage.

The preliminary 2009 elections for nominees from the metro division caucus areas took place on 1 August, and the final election (convention) will be held on 19 September 2009 in Humboldt. Based on the outcome of those elections, however, it is doubtful the Commission will move back into compliance with the statute. With two exceptions, none of the individuals nominated to the convention have been able to qualify for Indian Preference. Of the two exceptions, one candidate's award of Indian Preference from TNNAC has been challenged and an opinion requested from the Attorney General's office.

The purpose in requiring that five of the seven Commission seats be given Indian Preference was to ensure that American Indian residents of Tennessee were involved in and dealing with Indian affairs in Tennessee just as the purpose in using a democratic process for selection of nominees was to ensure the community was involved in the appointee selection process.

However, former members of the Tennessee Native American Convention (TNNAC) and community members who were and have remained active in the development of the Commission and that support its continuation have voiced significant concern about TNNAC's current and future qualifications to adequately and objectively review and determine Indian Preference. TNNAC is a private organization for which there is no oversight. TNNAC does not employ professional genealogists or other experts in the review process. TNNAC board members are also "elected" by a majority present at elections. This makes TNNAC, an entity that is charged with running fair and open elections, vulnerable to partisan monopolies.

Because the ability for the Indian community in Tennessee to have a voice in those individuals who are appointed to both represent them and handle Indian affairs on their behalf is critical, the Chair and Acting Executive Director of the Commission makes the following recommendations for changes to TCA 4.34:

1. The State of Tennessee will define "Indian Preference" as follows:
 - (a) Proof of enrollment in a federally-recognized Indian nation, tribe, band or community, OR
 - (b) Proof of enrollment in a nation, tribe, band or community legislatively recognized by any of the fifty states, OR
 - (c) Proof of the enrollment of a natural parent or grandparent in either item A or item B combined with certified birth and death certificates demonstrating natural and direct lineage, OR
 - (d) Inclusion in the Tennessee roll of 1991 (*"State List of Recognized Individuals as Indians in Tennessee Only"*)(affirmed by TCIA September 2004, validated by Attorney General opinion 06-165)
2. That the Tennessee Native American Convention shall be charged with maintaining the "Standard Operating Procedures" (SOP) for the democratic selection of nominees to the Commission and allowed to continue its own elections and subsequent packet submissions, but that other American Indian organizations headquartered within Tennessee shall, by observing and following TNNAC's SOP, be allowed to submit nomination packets as well.
3. That "American Indian organization" shall be defined as any organization in which 51% or more of its board of directors would qualify for Indian preference as defined in #1 above and has filed appropriate organizational documents with the Secretary of State.

4. That the Speaker of the House, Speaker of the Senate and Governor as official appointers for the Commission shall be compelled to make their selections in a manner that ensures the Commission is in compliance with its statute at all times including the requirements for a 5-seat majority that qualifies for Indian Preference.

By making these changes to the existing statute, the State of Tennessee will ensure that it has met the intent of the statute, that its commissioners of Indian Affairs are culturally knowledgeable, are verifiably Indian, and are most likely to understand the intricacies of Indian affairs including relevant Indian laws.

3. Section 4-34-104(b)(3), Tennessee Code Annotated, provides that “preference in selection of at least five Indian commissioners shall be given to Native American Indians...”
How many members of the commission are Native American Indians?
Does membership include members who are 60 years of age or older? Members who are female?

Six members of the Commission claim Native American Indian descendency.
One member, Clifford ‘Bill’ Wells, does not..
As note above, only three members have demonstrated proof of Native American Indian heritage to TNNAC and qualified for Indian Preference:

1. *Jeanie Walkingstick King*, member, Eastern Band of Cherokee Indians
2. *tom kunesh*, son of a member, Standing Rock Lakota Tribe
3. *James Meeks*, former member, Cherokee Tribe of Northeast Alabama

Two members of the Commission are over 60 years old:

1. *Clifford ‘Bill’ Wells*
2. *Alice Henry*

Three members of the Commission are female:

1. *Valerie Ohle*, chairperson, East TN Grand Division
2. *Jeanie Walkingstick King* - Knoxville metro area
3. *Alice Henry* - Memphis metro area

4. How many times did the commission meet during fiscal years 2008 and 2009 and how many members attended each meeting? Did the commission comply with all meeting frequency, location and notice requirements set out in Section 4-34-105(a),(b) and (c), Tennessee Code Annotated?

The Commission met in its official capacity eight times in fiscal years (1 July – 30 June) 2008 and 2009.

1. 25 August 2007 Knoxville, 5 attended
2. 29 December 2007 Memphis, 7 attended
3. 29 March 2008 Nashville, 5 attended
4. 21 June 2008 Knoxville, 6 attended
5. 13 September 2008 Chattanooga, 7 attended
6. 17 January 2009 Bartlett (Memphis), 6 attended
7. 21 February 2009 Nashville, 7 attended
8. 16 May 2009 Knoxville, 4 attended

There was also one public hearing on the “recognition” issue during this time:

- 17 November 2007, Nashville, Rulemaking Public Hearing, on Rules for Recognition Criteria for Native American Indians, 4 commissioners attended

Yes, the Commission complied with all meeting frequency, location and notice requirements, with meetings held :

- a. quarterly,
- b. on Saturdays,
- c. rotated among the cities of Memphis, Nashville, Chattanooga and Knoxville,
- d. provided 10-day advance notice of the meeting provided by email and TCIA website.

5. What *per diem* or travel reimbursement do members receive? How much was paid in to commission members during fiscal years 2008 and 2009? Were any other expenses charged to the commission?

The Commission has not received any state funding therefore no *per diem* or travel reimbursements were provided to Commission members. Commission members bore all necessary expenses for the operation of the Commission with public and personal contributions. State business card expenses were charged to the Commission (\$100.40), paid by public and personal contributions.

If the Commission would have received state funding for fiscal years 2007-2008, the estimated costs may have been:

<i>lodging, meals & incidental expenses</i>	<i>\$1,872</i>
<i>FY 2007-2008 mileage reimbursement</i>	<i>\$10,749</i>
<i>Total Travel Expenditures FY2007-08 paid for by commissioners themselves</i>	<i>\$12,621</i>

6. What were the commission’s revenues (by source) and expenditures (by object) for fiscal years 2008 and 2009?

Revenues

Personal donations (made at Commission meetings)	\$217.00
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Expenditures

Governors Interstate Indian Council (GIIC) \$100/year	\$200.00
Business cards for individual commissioners	\$100.40

Current Balance	\$273.32
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7. Provisions of Title 4, Chapter 34, Tennessee Code Annotated, require the commission to have a web site and to provide certain information on that site (meeting notices, Section 4-34-105(c); meeting minutes, Section 4-34-105(d); annual reports, Section 4-34-105(e)).

a. Does the commission maintain the required web site and does the site contain all of the required information? What other kinds of public information is provided on the site?

Please provide the web address for the commission's website.

The Commission's website (www.state.tn.us/environment/boards/tcia/) is provided, created and maintained by TDEC with data input from the Commission. It contains all required information, including links to:

1. TCIA Purposes and members
2. TCIA Contact Information
3. TCIA Minutes of Past Meetings
4. TCIA Documents
5. Sunshine Notice of upcoming meetings and hearings
6. T.C.A. 4-34-101 through 108

Other information provided includes:

7. 2007 Sunset Public Hearing Questions
8. State of Tennessee's Authority to Recognize Indian Tribes -
Opinion of the State of Tennessee Office of the Attorney General
9. Policy Statement of the TN Commission of Indian Affairs
regarding Indian Remains
10. Resolution for the Discontinuation of Native American Indian mascots in TN
11. Annual Reports 2005, 2006, 2007
12. Past & Proposed Standing Rules of the TN Commission of Indian Affairs
Chapter 0785-1 - Proposed Recognition Criteria for Native American Indians
Chapter 0785-1 - Administrative History

b. Are minutes of all the commission meetings posted on the commission's website within 100 days of the meeting as required? Are minutes of all meetings of the commission available on the website as required?

Usually, yes. They are available for review at

www.state.tn.us/environment/boards/tcia/minutes.shtml

This past year a meeting scheduled in November 2008 was delayed until January 2009, resulting in a 126-day delay between meeting and approval, and another 24-day delay between approval and posting.

c. Has the commission prepared annual reports and placed those reports on the commission's website within 45 days of their approval as required? Are all annual reports of the commission kept available on the website as required?

Yes. Annual reports of the Commission's activities of fiscal years 2005, 2006 and 2007 have been posted on the Commission's website and are attached here as *Appendix A*. The 2008 annual report will be reviewed and subject to approval at the 19 September 2009 meeting.

8. Was a rules commission appointed as required by Section 4-34-105(m), Tennessee Code Annotated? If so, what procedural and operating rules did the commission develop and were those rules approved by a majority vote of the full commission as required?

Yes. The Commission appointed a Rules and Procedures Committee consisting of the Commission's officers, which met three times in 2004-2005, and submitted ten Standing Rules which were adopted by the Commission on 12 March 2005. The Standing Rules are attached as *Appendix B*.

After three years of work and constant revisions, the Commission also approved Recognition Criteria for Native American Indian Nations, Tribes or Communities (Rule 0785-1) on 5 August 2006, which went into effect 24 June 2007, attached as *Appendix C*.

On 31 July 2007 the Joint Government Operations Subcommittee on Sunset Review of the Commission of Indian Affairs determined that the rule Chapter 0785-1, Recognition Criteria for Native American Indians, was politically problematic, and recommended that the Commission of Indian Affairs not be extended beyond its sunset date of 30 June 2008. On 1 August 2007 the Legislative Rules Review Committee chairman directed the Commission to withdraw the new rule 0785-1 for the Commission's best chances at political survival. Accordingly the Commission rescinded its Recognition Rule 0785-1 at its December 2007 meeting in order to both comply with the directive and live to propose the rule again at a later date.

On 8 March 2008 the Commission of Indian Affairs formally adopted standing rules that had been developed by its original rules committee and primarily by former Chair and Commissioner Evangeline Lynch. Those rules are posted on the Commission's website (/tcia/pdf/tcia_rules.pdf).

A recent rulemaking hearing on re-proposed Rule 0785-1, to re-establish Recognition Criteria for Native American Indian Nations, Tribes or Communities in the State of Tennessee, was held on 8 August 2009. The results of that hearing will be presented at the next Commission meeting on 19 September 2009 in Chattanooga for review and action.

Due to the lack of funding to underwrite travel expenses, any committee or committee of the whole meetings are basically limited to the 60 to 90 minute period before a regular commission meeting starts. Even meeting during that period is difficult as some committee members who may be traveling a significant distance are often hampered or delayed by road construction or other issues. Further, in January, February and June 2009, the commissioners voted to table all administrative tasks including appointment of the rules committee until Fall 2009 due to the pending sunset date of the Commission as it was generally agreed the commission should dedicate its time to more critical business.

9. Section 4-34-106, Tennessee Code Annotated, sets out precedents which must be followed before any member or employee of the commission may enter into litigation. Has any member or employee entered into any litigation under provisions of this section?

To date, no commissioners have entered into any litigation relevant to the Commission of Indian Affairs.

10. What were the commission's major accomplishments during fiscal years 2008 and 2009? Specifically, describe the nature and extent of commission activities as they pertain to each of the enumerated purposes and duties defined in Sections 4-34-102 and 103, Tennessee Code Annotated.

1. Rescinded Rules for Recognition Criteria for Native American Indian Nations, Tribes or Communities on 29 December 2007, per legislative directive. Rule 0785-1 had become effective on 24 June 2007. A public Rulemaking Hearing on rescinding the Rule was held on 17 November 2007 in Nashville.

*Pertains to **Duties** (TCA 4-34-103) 6 and 10:*

- (6) Establish appropriate procedures to provide for legal recognition by the state of presently unrecognized tribes, nations, groups, communities or individuals, and to provide for official state recognition by the commission of such; [...]*
- (10) Conduct public hearings on matters relating to Indian affairs and to subpoena any information or documents deemed necessary by the commission.*

2. Re-approved Rules for Recognition Criteria for Native American Indian Nations, Tribes or Communities. A public Rulemaking Hearing was held on 25 August 2009 in Nashville, and will be reported at the Commission's next meeting in September. Approved a Recognition Application. This and related issues have consumed approximately 80% of the Commission's focus over the past four years. See Appendix C.

*Pertains to **Duties** (TCA 4-34-103) 6 and 10:*

- (6) Establish appropriate procedures to provide for legal recognition by the state of presently unrecognized tribes, nations, groups, communities or individuals, and to provide for official state recognition by the commission of such; [...]*
- (10) Conduct public hearings on matters relating to Indian affairs and to subpoena any information or documents deemed necessary by the commission.*

3. Reviewed 2008 and 2009 internal and external legislative proposals.
 - SJR0082 Recognition of Tennessee's Native American Tribes and Nations
 - SJR0081 Designates 2010 as "Tanasi/Tennessee Native American History Year"
 - HJR0082 "American Indian Heritage Month," September 2009
 - SB1804/HB1305 As enacted, requires juvenile courts to conduct custody proceedings in compliance with the Indian Child Welfare Act.
 - SJR0114 Expresses support for the Tennessee Chapter of the Trail of Tears Association and commemorative events honoring Native Americans.
 - HB0239, HB1692 As introduced, grants state recognition to certain Indian tribes, bands, and groups; provides means for other Indian tribes, bands, and groups to receive state recognition.
 - HB0333/SB1735 As introduced, extends state Native American Indian recognition with full legal rights and protections to the Remnant Yuchi Nation in the counties of Sullivan, Carter, Greene, Hawkins, Unicoi, Johnson, and Washington.
 - HB3299 As introduced, grants state recognition to certain Native American Indian tribes, bands, groups and associations.
 - HB1055 As introduced, extends certain governmental entities subject to termination on June 30, 2009.
 - SB2477 As introduced, repeals commission of Indian affairs and eliminates statutory authority.
 - SB3450 As introduced, extends commission on Indian affairs termination date to 30 June 2009
 - HB0186/SB0136 As introduced, redesignates the second Monday in September each year as American Indian Day instead of the fourth Monday in September each year. *(caption bill)*
*Pertains to **Purposes** (TCA 4-34-102) 3, 4 and 6;*
*Pertains to **Duties** (TCA 4-34-103) 1, 2, 3, 4, 7, 8 and 9.*
4. Approved Memorandum of Agreement: Community Partnership Agreement on Alcohol and Substance Abuse Treatment Program, Division of Alcohol and Drug Abuse Services, TN Department of Mental Health & Developmental Disabilities, Nashville; targeting inappropriate alcohol consumption ages 14-25, with the purpose of identifying Native American county contacts/volunteers (\$2.3 5-year grant federal grant from SAMSA) (May 2009)
5. Empowered chair, in conjunction with TDEC legal counsel, to issue subpoenas to "Confederation of Tennessee Native Tribes" and members for documentation of Native American Indian status. (May 2009)

11. Describe any items related to the commission that require legislative attention and your purposed legislative changes.

1. Specific to TCA 4-34-104 (a) § 2: the Commission of Indian Affairs, per the approval of the 2005 Tennessee Native American Convention by referendum and by the Commission's voted approval, requests a legislative amendment separating the Grand-Division from metropolitan caucus areas, in effect creating seven (7) separate and mutually exclusive caucus areas, each of which would have separate appointed representation on the Commission. See Appendix H.

2. Recognition of Historic Tribes of Tennessee Resolution. See Appendix I.

3. Because the ability for the Indian community in Tennessee to have a voice in those individuals who are appointed to both represent them and handle Indian affairs on their behalf is critical, the Chair and Acting Executive Director of the Commission makes the following recommendations for changes to TCA 4.34:

1. The State of Tennessee will define "Indian Preference" as follows:
 - (a) Proof of enrollment in a federally-recognized Indian nation, tribe, band or community, OR
 - (b) Proof of enrollment in a nation, tribe, band or community legislatively recognized by any of the fifty states, OR
 - (c) Proof of the enrollment of a natural parent or grandparent in either item A or item B combined with certified birth and death certificates demonstrating natural and direct lineage, OR
 - (d) Inclusion in the Tennessee roll of 1991 (*"State List of Recognized Individuals as Indians in Tennessee Only"*)(affirmed by TCIA September 2004, validated by Attorney General opinion 06-165)
2. That the Tennessee Native American Convention shall be charged with maintaining the "Standard Operating Procedures" (SOP) for the democratic selection of nominees to the Commission and allowed to continue its own elections and subsequent packet submissions, but that other American Indian organizations headquartered within Tennessee shall, by observing and following TNNAC's SOP, be allowed to submit nomination packets as well.
3. That "American Indian organization" shall be defined as any organization in which 51% or more of its board of directors would qualify for Indian preference as defined in #1 above and has filed appropriate organizational documents with the Secretary of State.
4. That the Speaker of the House, Speaker of the Senate and Governor as official appointers for the Commission shall be compelled to make their selections in a manner that ensures the Commission is in compliance with its statute at all times including the requirements for a 5-seat majority that qualifies for Indian Preference.

By making these changes to the existing statute, the State of Tennessee will ensure that it has met the intent of the statute, that its commissioners of Indian Affairs are culturally knowledgeable, are verifiably Indian, and are most likely to understand the intricacies of Indian affairs including relevant Indian laws.

4. The Chair and Acting Executive Director recommends that, if and when approved by the Commission, the state officially adopt Rule 0785-1 establishing *Recognition Criteria For Native American Indian Nations, Tribes or Communities* in Tennessee as law.

5. The Chair and Acting Executive Director recommends that mandatory Native American Indian designated seats be added to the state Arts Commission, Historical Commission, Conservation Commission, Department of Tourist Development, State Parks Resource Management, State Board of Education, State Textbook Commission, Department of Health-Division of Minority Health and Disparity Elimination, and Human Rights Commission. These positions should be filled by individuals who can meet the definition of Indian Preference submitted by this response.

6. The Chair and Acting Executive Director recommends that the legislature study the possibility of the creation of a Department of Indian Affairs.

7. The Chair and Acting Executive Director recommends a 2010 budget allocation for the Commission's general operating expenses, commissioner per diem/travel reimbursement, access to state motorpool, grant development and preparation, and one full-time staff person to serve as Executive Director to be located in the TDEC offices in Nashville.

8. The Chair and Acting Executive Director recommends that a budget allocation be provided for the completion of the Tennessee Native American Indian Research Initiative's study, budget allocation to be coordinated and co-managed by the Department of Mental Health and Developmental Disabilities.

12. Should this commission be continued? Why or why not?

Yes. This commission should be continued *with* the above recommended amendments to its statute, and a renewed and proactive interest and relationship with the State and its elected officials. When this continent was first contacted, American Indians were everywhere upon it. Our histories, our ancestors, our sacred and historic places are still here in every state of the Union. We, as descendants of those original first peoples, live and work in every one of the United States, and every state that does not have at minimum a Commission of Indian Affairs is remiss.

While this commission has been too often monopolized by a single issue - recognition - it still has a major and critical role to fulfill for American Indian residents of Tennessee. Elimination of the Commission will not eliminate the serious disparities, resolve existing issues, ensure the safety, protection and preservation of Tennessee's historic and sacred American Indian sites, nor serve the majority of American Indians living in Tennessee.

We still have a job to do, a job we have done our best to attempt to do despite being hampered by lack of funding and lack of appropriate statutory authority. We have found our feet and learned to walk. Now let us learn how to run. This commission should be extended, the previously mentioned amendments to its statute made, and it should be extended for a period of not less than four years to measure its full effectiveness.

With the experience of the past six years, the Commission is now in a better position to address Native American Indian community concerns and issues with state agencies. Some of the issues that are pressing and need to be developed, overseen and administered by this Commission and its governmental position are:

- a. The Commission has begun to address the issue of Native American Indian representation in State Park management planning, on-site management and interpretation of parks related to Native-American-Indians;
- b. The Department of Education should have state-level Native American Indian representation to facilitate dialogue on the state's public schools moving away from use of Native American Indian religious items and images as mascots, and a more inclusive and expanded curriculum that addresses the history of this State prior to European immigration and after the "Removal";
- c. Obtaining significant grant funding for a statewide American Indian Research Initiative/Health&Education Community Assessment which was begun in 2007;
- d. Developing and oversight of a Native American tourism project for the state, in conjunction with the Department of Tourism;
- e. Because there are Native American town and burial sites on private property being removed and/or destroyed constantly through development, the Commission serves as an advocate in the public dialogue for site protection;

f. 11,150 Native Americans' remains are currently being stored in boxes on shelves in storage units across Tennessee, making it the third largest concentration of Native American remains in the USA. The Commission is developing a plan to work with Tennessee's culturally-affiliated tribes as a state agency to repatriate these remains in accordance with the Native American Graves and Repatriation Act (NAGPRA), based on the example of the Colorado Commission of Indian Affairs.

Due to the historic relationship of Native American Indians and Tennessee, these issues, and many others, need a public commission to advocate the interests of the Native American community, and to assist the State in addressing these issues. The best way to achieve this is through a state-mandated Commission.

Should the decision of this Sunset Review Committee be to go forward with the sunset of the Commission of Indian Affairs, the commission should be sunset as is with a moratorium on any new appointments. This will allow the commission to conclude any existing business as expediently as possible without having to educate new appointees on those issues.

13. Please list all commission programs or activities that receive direct or indirect federal financial assistance and therefore are required to comply with Title VI of the Civil Rights Act of 1964. Include the amount of federal funding received by program/activity.

Memorandum of Agreement: Community Partnership Agreement on Alcohol and Substance Abuse Treatment Program, Division of Alcohol and Drug Abuse Services, TN Department of Mental Health & Developmental Disabilities, Nashville; targeting inappropriate alcohol consumption ages 14-25, with the purpose of identifying Native American county contacts/volunteers (\$2.3 5-year grant federal grant from SAMSA) (May 2009)

- If the commission does receive federal assistance, please answer 14 through 21.
If the commission does not receive federal assistance, proceed directly to question 20.

20. Please provide a breakdown of current commission staff by title, ethnicity, and gender.

The Commission has no staff.

21. Please list all commission contracts, detailing each contractor, the services provided, the amount of the contract, and the ethnicity of the contractor/business owner.

The Commission has made no contracts.



ANNUAL REPORT

2006-2007

Tennessee Commission of Indian Affairs

www.state.tn.us/environment/tcia/

Tennessee Commission of Indian Affairs

ANNUAL REPORT: FISCAL YEAR 2006-2007

INTRODUCTION

The seven-member Tennessee Commission of Indian Affairs was created in 2003 by passage of TCA 4.34.101-108 [Acts 2003, chapter 344, § 2], and is commissioned to:

1. Deal fairly and effectively with Indian Affairs;
2. Research and find local, state and federal resources of funding and other assistance for the implementation or continuation of meaningful programs for Indian citizens of the State;
3. Provide aid and protection for Indians as needs are demonstrated;
4. Prevent undue hardships;
5. Assist Indian communities in economic development;
6. Promote recognition of, and the right of Indians to pursue cultural and religious traditions considered by them to be sacred and meaningful to Native Americans; and
7. Communicate with Tennessee's Indian communities, and solicit communications from such Indian communities.

Commissioners are appointed by the Governor, Speaker of the House and Speaker of the Senate who select from a slate of nominees elected through a democratic process managed by the Tennessee Native American Convention (TNNAC; TCA 4.34.104).

Preference in the appointment process based on Native American Indian affiliation is to be given five commissioners. The commissioners represent three grand divisions (West, Middle and East) and four major metropolitan caucus areas (Memphis, Nashville, Knoxville and Chattanooga). Commissioners serve four-year terms.

Appointments are staggered between metro caucus areas and grand divisions to ensure smooth transition and continuous workflow between elections/appointments.

The Commission is attached to the state Department of Environment and Conservation (TDEC) for administrative purposes only and is not included in appropriations from the General Fund. Per TCA 4.34.105, meetings are held quarterly on Saturdays and rotate locations between four major metropolitan locations: Memphis, Nashville, Knoxville and Chattanooga. Additional meetings are called as needed for time-sensitive tasks, to seek community input, or to hold public rulemaking hearings when required.

ACTIONS AND INITIATIVES OF THE COMMISSION

Four regular quarterly meetings were held during Fiscal Year 2006-2007, in Knoxville (August 2006), Memphis (December 2006), Nashville (March 2007), and Chattanooga (June 2007), as well as one public rulemaking hearing in Nashville (October 2006).

ACKNOWLEDGEMENT OF TENNESSEE'S HISTORIC TRIBES

The Commission adopted the amended Historic Tribes Resolution (*Appendix A – Resolutions & Other Documents*) on 5 August 2006. The resolution identifies and acknowledges those American Indian nations that called the land within the boundaries of the State of Tennessee 'home'. The resolution is a critical first step in identifying groups that may be eligible to claim tribal status as indigenous remnant populations as well as those federally recognized nations that are most likely related to any unidentified or unclaimed remains. The resolution was researched and drafted with the assistance of the Advisory Council on Tennessee Indian Affairs (ACTIA). In June 2007, the Commission voted to seek sponsorship for taking the resolution to legislation.

RECOGNITION OF NATIVE AMERICAN INDIANS

The Commission continued its work to develop criteria that would establish credible recognition for American Indians living in Tennessee who are indigenous to Tennessee and not eligible for citizenship in those federally recognized nations that were removed from Tennessee. The Tribal, Organizational and Individual Recognition Criteria Rules passed on 10 June 2006 (FY 2005-2006) were withdrawn at the August 2006 meeting, as being too problematic, and replaced by adoption of Tribal (only) Recognition Criteria submitted by ACTIA.

The Commission submitted a request for an official opinion from the Attorney General on the status of individuals and organizations previously recognized under the recognition criteria established in the rules of the previous Commission (Chapter 0785-1, 1990). The Attorney General's opinion 06-165 was received on 17 October 2006.

A public rulemaking hearing on the Tribal Recognition Criteria was held in Nashville on 21 October 2006 (*Appendix B: Response to Public Comments*). The Recognition Criteria for Native American Indian Nations, Tribes or Communities (Rule 0785-01) was formally adopted by the Commission on 17 March 2007. A draft Recognition Criteria Application Form was adopted on 9 June 2007. Rule 0785-01: Recognition Criteria for Native American Indian Nations, Tribes or Communities took effect on 24 June 2007.

COMMUNITY ASSESSMENT

On 17 March 2007, the Commission approved the **TENNESSEE AMERICAN INDIAN RESEARCH INITIATIVE/HEALTH AND EDUCATION COMMUNITY ASSESSMENT**, a proposal to conduct a statewide quantitative study of Tennessee's American Indian/Alaska Native residents. The goal of the initiative is to make demographic and socio-economic characteristics available to the public and other agencies, such as the State Data Center and the *Healthy People 2010* initiative of the U.S. Department of Health and Human Services. At the time, Census 2000 data reported approximately 45,000 individuals living in Tennessee who self-identified as American Indians. *Healthy 2010* only reports on three of 467 health indicators for Tennessee's American Indian/Alaska Native population. Through this project, the members of the **AMERICAN INDIAN RESEARCH INITIATIVE** – a grassroots committee of volunteers advocating the assessment, will take on the task of analyzing the existing data and reporting back to the Commission.

OTHER ACTIONS AND INITIATIVES

The Commission recognized the need to reinter the remains of over 11,000 Native American Indians currently in 'storage' facilities across the state, and to support two specific community-based initiatives: the Native American Indian Association of Tennessee's (NAIA-TN) *Circle of Life* American Indian center building project, and the creation of an annual 'Day of Healing' to be celebrated on Columbus Day each year.

- **ACKNOWLEDGEMENT OF 11,151 UNRETURNED REMAINS, March 2007**

The Commission acknowledged the existence of 11,151 unreturned Native remains currently held in storage around Tennessee per the National Park Service's Native American Grave Protection and Repatriation Act (NAGPRA) inventory. The remains and the ongoing threat of destruction of burial, sacred and historic sites continue to be a major concern of many members of Tennessee's American Indian/Alaska Native community

- **DAY OF HEALING FOR NATIVE AMERICAN INDIANS IN TENNESSEE, March 2007**

The Day of Healing, on the same day as Columbus Day for the rest of the USA, is a grassroots proposal designed to encourage community-wide healing from the damage done to the indigenous nations of Turtle Island/North America from that day on. The first Day of Healing was set for Columbus Day 2007.

- **CIRCLE OF LIFE CENTER, June 2007**

The Native American Indian Association of Tennessee (NAIA-TN) has been working for several years to raise capital funds needed to build a new community facility in the Nashville area. The organization has been able to raise approximately one-third of the total needed to go forward with the project. The center would include office, meeting and educational work spaces as well as cultural grounds for outdoor activities, events and ceremony.

- **GOVERNOR'S INTERSTATE INDIAN COUNCIL, August 2006**

The Commission approved joining the Governor's Interstate Indian Council – a professional association of state Indian Affairs Commissions, and the payment of its annual \$100 membership fee.

LEGISLATIVE REVIEW

On 17 March 2007 the Commission reviewed six items of legislation that directly or indirectly impacted Native American Indians living in Tennessee.

- SB0162/HB0133 (Bunch,Bell; Matlock, Hill) *AN ACT TO AMEND TCA TITLE 1, CHAPTER 4 AND TITLE 49, RELATIVE TO USE OF AMERICAN INDIAN SYMBOLS, IMAGES AND NAMES.*

Commission position: Opposed

Outcome: Bill was amended to strike references to “American Indian,” and was passed to become Public Chapter 371.

As originally written, SB0162/HB0133 sought to prevent state entities including the Commission of Indian Affairs from enacting any prohibitions specifically against the use of American Indian symbols, images or names as logos or mascots by public or private institutions. The bill was introduced in response to requests from public school officials and community members who were fearful after reading a newspaper story that erroneously reported the Commission planned to introduce legislation banning the use of American Indian school mascots and names. The story was written after members of the Native American community met with the Human Rights Commission to request HRC’s assistance in opening a dialogue with the state about the detrimental effects of American Indian mascots. While the bill was ultimately amended to strike specific reference to American Indians, the use of mascots and Public Chapter 371 continue to cause undue hardship and harm to American Indian/Alaska Native residents of the State. The Commission maintains its position on the use of American Indian symbols, images and names expressed in its *Resolution for the Discontinuation of Native American Mascots in the State of Tennessee* adopted 3 December 2005.

- SJR0002 (Jackson) *URGES THE TENNESSEE COMMISSION OF INDIAN AFFAIRS AND THE U.S. BUREAU OF INDIAN AFFAIRS TO RECOGNIZE THE CHEROKEE WOLF CLAN AS NATIVE AMERICAN INDIANS. .*

Commission position: Opposed

Outcome: The memorial was withdrawn by the sponsor.

- SB1307/HB570 (Watson, Crutchfield, Burks, Bunch, Tate; McCormick, West) *AN ACT TO AMEND TCA TITLE 55, CHAPTER 4, TO AUTHORIZE THE ISSUANCE OF NATIVE AMERICAN LICENSE PLATES.*

Commission position: not applicable at time of review

Outcome: Bill was amended to *For a Lifetime*, a new specialty earmarked license plates for elderly, prior to review by the Commission.

SB1307/HB570 was introduced by a newly formed private organization, Native American Services of Tennessee (NAST) at the 17 March 2007, Commission meeting. While the Commission and members of the community supported the intentions of NAST, opposition and concerns regarding the name of the license plate (the Native American cultural license plate), the lack of opportunity for input or participation in the management of funds generated by sale of the plate, and the heretofore unknown nature of NAST, were strongly voiced.

- SB1371/HB1303 - Haynes, Marrero; West *AN ACT TO AMEND TCA TITLE 48, CHAPTER 101, PART 5, RELATIVE TO SOLICITATION OF CHARITABLE FUNDS.*

Commission position: The Commission tabled action on this item at the request of the Native American Indian Association of Tennessee who reported they were still working with sponsors on modifications to the bill.

Outcome: The bill passed without amendments or modifications to become Public Chapter 474

SB1371/HB1303 was written at the behest of the Native American Indian Association of Tennessee (NAIA-TN). The Commission and community members were concerned with the definition of a bona fide Indian organization established in the wording of the bill. Those concerns were communicated to NAIA-TN representatives present at the 17 March 2007, meeting who had come before the Commission to request its review be tabled. The bill's purpose is to exempt Indian organizations that meet the definition outlined in the legislation from a \$50 charitable organization registration/renewal fee. As passed, only those organizations who serve federally-recognized Indians and that are twenty years or more old are eligible for the exemption.

LEGISLATIVE REVIEW *CONTINUED*

- SB1681 (Herron, Jackson) *AN ACT TO AMEND TCA TITLE 4, CHAPTER 34, RELATIVE TO RECOGNITION OF AMERICAN INDIAN TRIBES.*

Commission position: Opposed

Outcome: Failed to obtain House sponsor and died in Senate committee

SB1681 was introduced at the request of members of the Cherokee Wolf Clan Universal Life Church (CWC-ULC), a non-profit organization based in Yuma TN. The bill removed recognition authority from the Commission of Indian Affairs, authorized the Commissioner of the Tennessee Department of Environment and Conservation (TDEC) to make all recognition determinations and issue tribal identification cards, and gave recognition to the CWC-ULC without requiring documentation of organizational history or members' tribal heritage, or the demonstration of government-to-government relationships normally required as proof of status and existence as a tribe. The Commission of Indian Affairs supports meaningful recognition of American Indian tribes, nations or communities who meet criteria set forth in Rule 0785-01: Recognition Criteria for Native American Nations, Tribes or Communities, and found SB1681 lacking any meaningful criteria and in direct conflict with the Commission's statutory objectives defined in TCA 4.34.101-108.

- SB2121/HB2019 (Harper; Kernell) *AN ACT TO AMEND TCA TITLE 4, CHAPTER 34, RELATIVE TO THE COMMISSION OF INDIAN AFFAIRS.*

Commission position: Supported

Outcome: Bill was amended by changing extension date from 30 June 2011 to 30 June 2008. Passed to become Public Chapter 516.

SB2121/HB2019 was introduced to extend the life of the Commission of Indian Affairs which was scheduled to sunset in June 2007.

COMMENDATIONS OF COMMUNITY MEMBERS, ORGANIZATIONS AND INITIATIVES

From time to time the Commission formally commends individuals, organizations and/or grassroots initiatives for their contributions to Tennessee's American Indian/Alaska Native community. The following commendations were made during FY 2006-2007:

- **TENNESSEE ANCIENT SITES CONSERVANCY**, August 2006 - for its significant contributions to the protection and preservation of Pinson Mounds, especially of the Ozier Mounds and the Twin Mounds sites.
- **TOMMY VEAL**, June 2007 for his dedication to the Commission and the preservation of the rights of American Indians in this state and specifically the Cookeville-Livingston area. (Veal had an aggressive and inoperable brain tumor, leading to his death the following month.)

FISCAL YEAR 2006-2007 MEMBERSHIP & OFFICERS

- Doris Trevino, Chattanooga
Term: 2005-09 Chair 2005-2006 resigned December 2006
- Evangeline 'Van' Lynch (Choctaw Nation of Oklahoma)*, West TN
Term: 2003-07 Vice Chair 2005-2006; Chair 2006-07
- Ruth Knight Allen (TN State-Recognized)*, Memphis
Term: 2005-09 Secretary 2005-07
- Kippy Vaughn, East TN
Term: 2003-07 Vice-Chair 2006-07
- Jimmy Reedy (Muscogee/Creek Nation)*, Middle TN
Term: 2003-07
- Niles Aseret (Navajo Nation)*, Nashville
Term: 2005-09, resigned June 2007
- Jeanie Walkingstick King (Eastern Band of Cherokee)*, Knoxville
Term: 2005-09

REPLACEMENT APPOINTMENTS

- tom kunesh (Standing Rock Lakota descendant)*, Chattanooga
Term: 2006-09 (replaced Doris Trevino), Secretary 2007-current
- David Teat (Cherokee Tribe of Northeast Alabama)*, Nashville
Term: 2006-09 (replaced Niles Aseret)

** indicates Indian Preference*

FISCAL YEAR 2006-2007 TREASURER'S REPORT

Balance Forward			\$ 332.95
		Debit	Credit
11 Oct 2005	Stationary	216.65	
15 Dec 2005	Donation		50.00
28 Dec 2005	Donation		50.00
31 Jan 2006	Business Cards	40.50	
10 Jun 2006	Benefit Lunch		217.00
Total		257.15	649.95
Ending Balance			\$ 369.05

SUPPORT STAFF

Fiscal agent: Tom Eck, TDEC Division of Fiscal Services

TDEC-appointed General Counsel: Ed Harris

Commission's website: www.state.tn.us/environment/tcia/

Website manager: Debbie Ownby McManus, TDEC Assistant Webmaster

A RESOLUTION FOR THE RECOGNITION OF THE HISTORIC NATIVE AMERICAN INDIAN TRIBES OF TENNESSEE

passed by the Tennessee Commission of Indian Affairs on 4 march 2006, Nashville

1. WHEREAS, the area that now encompasses the Great State of Tennessee was once the homeland and tribal hunting grounds of a number of First Nations People who had great attachment to the land and who did staunchly defend their right to live, hunt, and draw nourishment from that land; and
2. WHEREAS, those same people were decimated by imported diseases, warfare, and continual encroachment upon their land, their livelihood, and their way of life; and
3. WHEREAS, as their numbers dwindled, their rights were usurped at the whim of foreign governments; and whether by choice, by force, or by treaty, these First Nations were made to give up their Natural Birthright and remove to other lands; and
4. WHEREAS, although the tribes themselves were removed, many individuals managed to remain behind in the lands of their nativity; or, after removal, to return to the lands of their ancestry; and
5. WHEREAS, the Eastern Ridge and Valley Region of the Tennessee River and its tributaries was known to be the home of the **Yuchi** Tribe, the **Koasati** Tribe, and the **Tuskegee** Tribe in times of earliest contact with the white man; and the evidence of early **Muscogee** (Creek) occupation in the same region is exhibited by the names of historic Indian towns such as Tallassee and Etowah; and
6. WHEREAS, the tribes in this region were later supplanted by the **Cherokee** Tribe, who, in many cases, kept the same town names established by the earlier tribes; and went on to establish numerous new towns such as Tellico, Echota, and Settico; and claimed all of Middle Tennessee as their territorial hunting ground; and who, after 1729, allowed a band of the Natchez Tribe to establish a town in what is now known as Monroe County, in an area that is still known as Notchy Creek; and
7. WHEREAS, about the time of the American Revolution, a war chief known as Dragging Canoe, and his followers, did separate from the Cherokee Nation and form a new tribe known as the **Chickamaugas**; and they established new towns in the lower Tennessee and Sequatchie River valleys, both within Tennessee and the neighboring states of Georgia and Alabama; and
8. WHEREAS, the **Chickasaw** Tribe once occupied the area that was known as the Chickasaw Bluffs, and is now within the City of Memphis; and the Chickasaws claimed all of Middle Tennessee and West Tennessee as their territorial hunting grounds; and
9. WHEREAS, portions of the **Shawnee** Tribe once lived in the Cumberland Basin of Tennessee before twice being expelled by an alliance of the Cherokees and Chickasaws; and after the formation of the Chickamauga Confederacy, the Shawnees were allowed to establish towns among their newfound allies, and left a memento of their name in the modern town of Sewanee; and
10. WHEREAS, beginning in 1952, several members of the **Choctaw** Tribe began to move into Lauderdale and Shelby Counties in West Tennessee in search of employment, and established communities there; where, in 1992 the Federal Government purchased 172 acres near Henning to establish housing for them; and they still retain their language and practice many of their customs; and
11. WHEREAS, there are many pre-historic Indian sites in Tennessee, such as Pinson Mounds, Old Stone Fort, and many lesser-known archaeological sites whose precise links to modern or historical tribes has yet to be definitively established;

BE IT HEREBY RESOLVED, that the above mentioned First Nations Peoples known as the **Yuchi, Koasati, Tuskegee, Muscogee (Creek), Cherokee, Natchez, Chickamauga, Shawnee, and Choctaw, be recognized as the Historical Tribes of Tennessee;** and

BE IT FURTHER RESOLVED, that any other tribe(s) that archaeological or historical research can link to Tennessee, will likewise be given recognition as an Historical Tribe of Tennessee when sufficient evidence is presented.

A RESOLUTION COMMENDING THE TENNESSEE ANCIENT SITES CONSERVANCY

Unanimously approved by the Tennessee Commission of Indian Affairs 5 August 2006

1. WHEREAS: The Tennessee Commission of Indian Affairs unanimously approved "A Resolution to Protect the Integrity of Pinson Mounds" on 3 December 2005 in Memphis; and
2. WHEREAS: The resolution requested "the Division of Forestry vacate the Pinson Mounds State Archaeological Area/National Historic Site as soon as possible;" and
3. WHEREAS: Members of the board of Tennessee Ancient Sites Conservancy, based in Nashville, dedicated much time and effort this past spring to advocate for the preservation and protection of Pinson Mounds from continued damage by state forestry operations on site, and specifically for the legislative action requested by the Commission; and
4. WHEREAS: On 18 May 2006 Tennessee Department of Environment and Conservation (TDEC) Commissioner Fyke and Tennessee Department of Agriculture Commissioner Givens signed a memorandum of agreement that "will immediately transfer approximately 177 acres of the Pinson Mounds property that is archeologically significant and sensitive", including specifically the Ozier Mounds site and the Twin Mounds site, back to the Pinson Mounds Archaeological Area, with the jurisdiction of the remaining 133 acres to be transferred to TDEC and the Archaeological Area in the year 2035; and
5. WHEREAS: Through the efforts of the Tennessee Ancient Sites Conservancy, the goals and objectives of the Tennessee Commission of Indian Affairs were achieved;

THEREFORE BE IT RESOLVED THAT The Commission of Indian Affairs thanks the Tennessee Ancient Sites Conservancy for its significant contributions to the protection and preservation of Pinson Mounds, especially of the Ozier Mounds and the Twin Mounds sites; and

The Commission of Indian Affairs commends the Tennessee Ancient Sites Conservancy, especially its board members Mark M. Tolley, president, State Naturalist and former State Archaeologist Mack Prichard, and William Anderson IV, for their dedicated efforts in protecting and preserving Pinson Mounds; and

BE IT FURTHER RESOLVED THAT The Tennessee Commission of Indian Affairs supports the Tennessee Ancient Sites Conservancy in its efforts to nominate Pinson Mounds State Archaeological Area as a United Nations Educational, Scientific and Cultural Organization (UNESCO) World Heritage Site as part of its Convention concerning the Protection of the World Cultural and Natural Heritage.



ANNUAL REPORT

2006-2007

Tennessee Commission of Indian Affairs

tpk/23jan09

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Appendix A

Annual Report: Fiscal Year 2004-05 COMMISSION OF INDIAN AFFAIRS

2003

october-november - appointments made.

2004

31 january - elected officers: Teri Ellenwood, chair; Jimmy Reedy, vice chair; Ruth Knight Allen, secretary.

10 july -

18 september - re-approved recognition of 89 formerly state-recognized Indians.

23 october - Committee of the Whole: Recognition Criteria

4 december - account balance: \$ 0
- approved Support for Leonard Peltier's Continued Quest for Justice (Ellenwood).
- approved Recognition of Historic Tribes of Tennessee (ACTIA).
- approved Recognition Criteria for Native American Indian Nations, Tribes, or Bands.
- approved Resolution of Support to Save Little Cedar Mountain (Anderson).

2005

12 march - Policy Statement regarding Display of Indian Remains (Ellenwood)

30 april - Committee of the Whole: Recognition Procedures

4 june - elected Jimmy Reedy, chairperson; Evangeline Lynch, vice chair; Ruth Knight Allen, secretary.

FISCAL YEAR 2004-05 (7/1/04-6/30/05)

	DEBIT	CREDIT
<i>Starting balance:</i>		\$0.00
12/4/04 Donations		100.00
2/15/05 Business cards	(71.05)	
3/12/05 Donations		194.00
6/4/05 Donations		110.00
Total	(\$71.05)	\$404.00
ENDING BALANCE		\$332.95

Appendix A

Annual Report: Fiscal Year 2005-06 COMMISSION OF INDIAN AFFAIRS

2005

- 8 october - no quorum
- 3 december - adopted Indian Mascot Removal resolution (from ACTIA)
- adopted Protection of Pinson Mounds site resolution (from ACTIA)
- adopted Native American-related state parks need Native American-approved management plans (from ACTIA)
- adopted Protection of Little Cedar Mountain and to recommend HJR 84 to legislature (from ACTIA)
- adopted Legislative amendment re. separating Grand-Division caucus areas (from TNNAC)
- re-recognized the United Eastern Lenape Nation of Winfield, Tennessee as an indian-related organization in Tennessee (from UELN)

2006

- 4 march - approved the original 1990 recognition criteria
- approved Recognition of the Historic Indian Tribes of Tennessee (from ACTIA)
- 20 may - Rulemaking Public Hearing on Rules for Recognition Criteria for Native American Indians
- 10 june - approved the TDEC-proposed recognition criteria and submission to the state to initiate rulemaking process.

FISCAL YEAR 2005-06 (7/1/05-6/30/06)

Previous Balance:			\$332.95
		DEBIT	CREDIT
10/11/05	Stationery	(216.65)	
12/15/05	Donation		50.00
12/28/05	Donation		50.00
1/31/06	Business cards	(40.50)	
6/10/06	Benefit lunch		217.00
Total		(257.15)	\$649.95
ENDING BALANCE			\$392.80

2007

following - [annualreport2007.pdf](#)>

Appendix B

STANDING RULES **Tennessee Commission of Indian Affairs** *Amended and approved March 12, 2005*

1. The Commission shall meet at a location and on a date and time agreed upon at a regularly scheduled Commission meeting with a quorum present, or agreed upon by a majority of Commission members at least eleven (11) days in advance and in writing. The Chairperson, who sees a need for an emergency meeting or is requested to do so by a commission member, may call no more than two (2) meetings in a calendar year with, at least, a three-day notice and in consultation with Commission members. Any Commission member may also call for an emergency meeting following the same said procedures. Absences may be excused for serious personal and family illnesses and funerals, with a written request submitted (via email) up to twenty-four hours prior to a Commission meeting.
2. Any meeting that is not called and scheduled by a majority of Commission members shall not be considered a legal meeting, except for emergency meetings, which needs the requirements for Section 1 with a three-day notice.
3. Officers serve at the pleasure of the Commission.
4. Reports from the commissioners, committees, ACTIA and TNNAC shall be heard at each meeting.
5. Commissioners' and committee reports shall be typed and one (1) paper copy given to the secretary for filing on or before the meeting for the permanent state record. Written reports not submitted at the meeting are to be mailed or emailed to secretary within forty-five (45) days following meeting.
6. A commissioner shall be subject to removal after missing two (2) meetings within a calendar year without just cause, excluding emergency meetings.
7. Officers shall be censored for inappropriate behavior under Robert's Rules of Order. Two warnings will be issued with the third violation calling for automatic removal.
8. Public comments shall be taken according to the order of sign-up sheets.
9. The election of officers for the Tennessee Commission of Indian Affairs shall be by a vote of the majority present.
10. Unless expressly stated in Robert's Rules of Order on motions that require 2/3 votes, the majority present shall rule in transactions of Commission business.

Submitted by: The Rules/Procedural Committee
(September 18, 2004; December 4, 2004; and March 12, 2005)
Evangeline W. Lynch, Chairperson
Ruth Knight Allen, Secretary
Teri Ellenwood (past Chairperson)

Appendix C

Rules of The Tennessee Commission of Indian Affairs

CHAPTER 0785-1 RECOGNITION CRITERIA FOR NATIVE AMERICAN INDIANS

TABLE OF CONTENTS

0785-1-.01 General
0785-1-.02 Recognition Criteria For Native American Indian Nations, Tribes or Communities
0785-1-.03 Procedures For Petitioning For Recognition
0785-1-.04 Changes In Membership Rolls
0785-1-.05 Administrative Review

0785-1-.01 GENERAL.

(1) General

(a) Purpose

To establish criteria and procedures to provide for legal recognition by the state of Tennessee of Native American Indians.

(b) Use of Number and Gender

1. As used in these Rules:

- (i) Words in the masculine gender also include the feminine and neuter genders; and
- (ii) Words in the singular include the plural; and
- (iii) Words in the plural include the singular.

(c) Rule Structure

These Rules are organized, numbered, and referenced according to the following outline form:

(1) paragraph

(a) subparagraph

1. part

(i) subpart

(I) item

I. subitem

A. section

(A) subsection

(2) Definitions

When used in Rules 0785-1-.01 through .05, the following terms have the meanings given below unless otherwise specified:

“Act” means Tennessee Code Annotated Section 4-34-101 et seq., Commission of Indian Affairs.

“Applicant” means Native American Indian groups applying for Nation, Tribe, or Community recognition in Tennessee.

“Commission” means the Tennessee Commission of Indian Affairs.

“List” means the updated membership list to be submitted to the Commission by applicants and recognized Nations, Tribes, and Communities.

“Nation”, “Tribe” and “Community” for the purposes of these rules, mean an assembly of Indian people who are related to each other by blood or kinship and includes “band” and “clan”.

“Recognized” means being acknowledged as a Native American Indian Nation, Tribe, or Community by the state of Tennessee.

“Roll” means the official list of recognized Native American Nations, Tribes, and Communities in Tennessee.

“State” means the state of Tennessee.

Authority: T.C.A. §4-34-103. Administrative History: Original rule filed July 3, 1990; effective August 17, 1990.

Amendment filed April 10, 2007; effective June 24, 2007.

0785-1-.02 RECOGNITION CRITERIA FOR TENNESSEE NATIVE AMERICAN INDIAN NATIONS, TRIBES, OR COMMUNITIES

- (1) Eligibility for recognition shall be determined using the following criteria:
 - (a) The applicant for recognition is indigenous to Tennessee and has been identified on a substantially continuous basis as Native American Indians throughout the history of their group; and
 - (b) A majority of the applicant inhabits a particular geographic area in Tennessee or lives in a community in Tennessee viewed as Native American Indian and distinct from all other populations in the geographic area, and a majority of its members consist of individuals who have established verifiable documented descendency from an Indian tribe which has historically inhabited the State of Tennessee; and
 - (c) The applicant has maintained tribal political influence or other authority over its members, or is able to demonstrate their existence as a continuous, distinct cultural entity capable of selfregulation, throughout their history until the present; and
 - (d) The membership of the applicant is composed of a majority of persons who are not members of any other North American Indian federal or state recognized tribe.
- (2) The following information shall be provided to the Commission for review:
 - (a) A copy of the applicant's present governing document and/or a statement describing in full the membership criteria and the procedures through which the group governs its affairs and members; and
 - (b) A list of all known current members of the group and a copy of any available list of former members, based on the tribe's own defined criteria; and
 - (c) A history of the applicant from 1900 to present (maximum of 2000 words, unless an exception is granted by the Commission) written by a professional historian or anthropologist; and
 - (d) The applicant shall also submit additional information including one (1) or more of the following:
 1. Documented traditions, customs and legends that demonstrate the group's Native American Indian cultural heritage; and/or
 2. Letters, statements, and documents from city, county, state, or federal authorities that document a history of tribal related business and activities that specifically address Native American Indian culture, preservation, and affairs; and/or
 3. Letters, statements, and documents from federal or state recognized tribes in and/or outside of Tennessee which attest to the Indian heritage of the group; and/or
 4. Other compelling documentation acceptable by the Commission that shows the heritage of the applicant; and
 - (e) A signed and notarized statement from the officers of the applicant affirming that, to the best of their knowledge, information, and belief, the information provided is true and accurate.

Authority: T.C.A. §4-34-103. Administrative History: Original rule filed July 3, 1990; effective August 17, 1990.

Amendment filed April 10, 2007; effective June 24, 2007.

0785-1-.03 PROCEDURES FOR PETITIONING FOR RECOGNITION

- (1) An Application For Recognition form with appropriate instructions for completion and submission on the back shall be developed and approved by the Commission. It shall be available on request by writing to the Tennessee Commission of Indian Affairs at the address below. Complete applications and supporting documentation are to be sent to:
Tennessee Commission of Indian Affairs
Tennessee Department of Environment and Conservation
Office of General Counsel
401 Church Street
L & C Tower, 20th Floor
Nashville, Tennessee 37243

- (2) The Commission shall appoint a Review Committee, consisting of three (3) members of the Commission, to review applications and supporting documentation for completeness and to work with applicants to achieve completeness. A record shall be maintained of all applications and appropriate information, including, but not limited to, the date received, date determined complete, date presented to the Commission and the Commission's decision. The Review Committee shall review an application within six (6) months of the submittal date.
- (3) If the application and required documentation are complete, the Committee will present the information to the Commission for review. Applicant(s) shall be notified in writing of the date, time and location of the Commission meeting at which the application is to be considered.
- (4) The Commission will either approve or deny the application within twelve (12) months of the application being determined complete by the Review Committee. The Commission may request additional information from the applicant.
- (5) The Commission will notify each applicant in writing of the Commission's decision.
- (6) Applications pending under the former Tennessee Commission of Indian Affairs may be processed using the new criteria following the effective date of these rules. Applicants shall be contacted in writing and advised accordingly. The Commission and/or the Review Committee may request the applicant to provide updated or additional information.
- (7) An applicant may, at any time prior to approval, withdraw their application and supporting documentation by writing to the Commission at the address in paragraph (1) of this Rule and may request the return of all submitted documents.
- (8) An applicant applying for recognition shall specify all submitted documentation that is to be returned to the applicant following the decision of the Commission or withdrawal by the applicant of the submitted application. All documents returned to the applicant shall be at the applicant's expense.
- (9) The roll of all approved for recognition shall be maintained current by the Commission and posted on the Commission's web site.

Authority: T.C.A. §4-34-103. Administrative History: Original rule filed July 3, 1990; effective August 17, 1990. Amendment filed April 10, 2007; effective June 24, 2007.

0785-1-.04 CHANGES IN MEMBERSHIP LISTS AND THE ROLL

- (1) Every two (2) years from their date of recognition, Nations, Tribes, or Communities recognized pursuant to the rules herein contained shall notify the Tennessee Commission of Indian Affairs of any changes in membership criteria and subsequent additions or deletions of members at the address in rule 0785-1-.03(1).
- (2) Any recognized Nation, Tribe, or Community may terminate its recognition by submitting written notice to the Chairperson of the Commission. The Commission, at its next meeting, shall vote to remove the name from the roll.

Authority: T.C.A. §4-34-103. Administrative History: Original rule filed July 3, 1990; effective August 17, 1990. Amendment filed April 10, 2007; effective June 24, 2007.

0785-1-.05 ADMINISTRATIVE REVIEW

Applicants (Nations, Tribes, or Communities) who disagree with the denial of their application for recognition may use the following procedure to seek a contested case hearing before the Commission pursuant to Sections 4-5-223 through 225 of the Uniform Administrative Procedures Act.

- (1) When an affected applicant disagrees with the denial of an application for recognition based upon the contention that such action is an illegal application of rules and/or statutes or such action is based upon invalid rules or statutes, the applicant may petition the Commission for a declaratory order.

(2) Upon receipt of such a petition, the Commission may convene a contested case hearing pursuant to the provisions of T. C. A. Section 4-5-101, et seq.

- (3) The Commission may refuse to issue a declaratory order or fail to set a petition for a contested case hearing within 60 days of receipt of the petition. In either case, the affected applicant may apply for a declaratory judgment pursuant to T. C. A. 4-5-225.

Authority: T.C.A. §4-34-103. Administrative History: Original rule filed July 3, 1990; effective August 17, 1990.

Amendment filed October 9, 1991; effective November 23, 1991. Amendment filed April 10, 2007; effective June 24, 2007.

Appendix D

RESOLUTION FOR THE DISCONTINUATION OF NATIVE AMERICAN INDIAN MASCOTS IN THE STATE OF TENNESSEE

1. Whereas: Approximately 100 Tennessee public schools use American Indian/ Alaskan Native mascots in their slogans and/or symbols; and
2. Whereas: Using these mascots in grades K through 12 impact our youth at the most impressionable ages, and present the most damage to the self-esteem of our Native youth; and
3. Whereas: The use of Native American slogans and symbols as mascots are often viewed as derogatory, demeaning, and disrespectful to American Indian/ Alaska Native people; and
4. Whereas: In 1993 the National Congress of American Indians denounced the use of any American Indian name or artifice associated with team mascots; and
5. Whereas: In 1996 the University of Tennessee at Chattanooga discontinued use of its mascot, Chief Moccannooga, as "inappropriate in an institution that values and celebrates diversity"; and
6. Whereas: The Governors' Interstate Indian Council "encourages all public schools, sports teams, and private businesses to discontinue using Native American mascots in their slogans and/or symbols" (1991, 1998); and
7. Whereas: In 2001 the U.S. Commission on Civil Rights denounced "the use of Native American images and nicknames as sports symbols" and began its call "for an end to the use of Native American images and team names by non-Native schools"; and
8. Whereas: In 2001 the Advisory Council on Tennessee Indian Affairs' Education Committee was charged with recommending to the state Commission of Indian Affairs "the cessation and removal of all indian mascot names and pictures from TN schools"; and
9. Whereas: In 2002 Martin Methodist College in Pulaski changed its sports team nickname from "Indians" to "Redhawks" in reaction to the United Methodist Church's own opposition to such practices;

THEREFORE Be It Resolved That:

1. The Tennessee Commission of Indian Affairs advocate the elimination of Native American Indian mascots and symbols in the state public schools; and
2. The Tennessee Commission of Indian Affairs call upon all public schools in Tennessee to voluntarily discontinue their usage of all Native American mascots and symbols; and
3. The Tennessee Commission of Indian Affairs, by itself and in coordination with other individuals and organizations, diligently work to eliminate the use of Native American Indian mascots and symbols while providing educational opportunities that accurately represent First Nations peoples and cultures; and
4. The Tennessee Commission of Indian Affairs work with the Department of Education to encourage elimination of these mascots and symbols, help develop transition plans with the least financial impact to local school boards, develop educational material that the Department can present to the schools to expedite change; and
5. The Tennessee Commission of Indian Affairs request the Tennessee Human Rights Commission and the Tennessee Department of Education also to strongly urge all Tennessee schools using Native American Indian related mascots to discontinue such names and imagery by June 2009.

*Adopted unanimously by the Tennessee Commission of Indian Affairs
3 December 2005 Memphis*

Appendix E

Native American participation in Tennessee State Park planning

To: Tennessee Department of Environment and Conservation
Tennessee Historical Commission
Tennessee Archaeological Advisory Council
Tennessee State Parks
Tennessee Council for Professional Archaeology
Tennessee Division of Archaeology
Tennessee Ancient Sites Conservancy
Native American Indian Association of Tennessee
Tennessee Council for Professional Archaeology

The current questions regarding the future of the Pinson Reforestation Complex (West Tennessee Tree Nursery) on the Pinson Mounds National Historic Landmark brings up several issues regarding the preservation, protection and advocacy of Native American cultural resources owned and managed by the State of Tennessee.

The State of Tennessee owns many properties, including three State Parks (Pinson Mounds, Old Stone Fort, Red Clay), whose significance is directly tied to Native American culture, both past and present. There are no publicly-available Management Direction Statements for these properties and parks (www.state.tn.us/environment/parks/mgtplans.php), and there is no mention of Native American cultural resources or input in the 2003-2008 Tennessee State Recreation Plan or the August 2005 Tennessee State Parks Strategic Direction. The lack of reference to State-managed Native American cultural resources in State planning documents indicates a serious problem of cultural sensitivity and ethnic/racial representation in the State's land management practices.

The issue of continued tree farming on the Pinson Mounds State Archaeological Area/National Historic Landmark should be resolved by direct discussions with the interested parties, especially with Native American representatives, with the goal of creating a Cultural Resource Management Plan for Pinson Mounds which can then serve as a template and benchmark for developing Cultural Resource Management Plans for all other State properties of Native American cultural significance.

Plans to improve Native American advocacy in State site preservation, protection and interpretation should include the following changes:

1. Involvement of the Tennessee Commission of Indian Affairs in the Tennessee State Parks Review Process.
2. Development of Tennessee State Parks Cultural Resource Management Plans for all Tennessee State Parks with Native American cultural resources by 2010.
3. Development of Management Direction Statements and full Management Plans, with full and direct Native American participation, for all state-owned sites of Native American significance.
4. Development of Management Direction Statements and full Management Plans, with full and direct Native American tribal participation, for all state-owned National Historic Landmark sites of Native American significance.
5. Appointment of Native Americans to the Tennessee Recreation Advisory Committee.
6. Appointment of Native Americans to the Tennessee Historical Commission.

Thank you in advance for your time and consideration. We look forward to your response.

ref. "Purpose of Management Direction Statement

Management Direction Statements provide strategic management direction for all state parks that do not have an updated full management plan. MDS do not negate the need for future, more detailed management plans. Management Direction Statements also describe protected area values, management issues and concerns; management strategy focused on immediate priority objectives and strategies; and directional statements from other planning processes."
- State Park Management Plan, Management Direction Statement, Bledsoe Creek State Park, July 2004, p 4

*Adopted unanimously by the Tennessee Commission of Indian Affairs
3 December 2005 Memphis*

Appendix F

A RESOLUTION TO PROTECT THE INTEGRITY OF PINSON MOUNDS

- Whereas: Pinson Mounds State Archaeological Area is a Tennessee State Park, managed by the Tennessee Department of Environment and Conservation's Division of State Parks; and
- Whereas: Pinson Mounds State Archaeological Area is a special park, set aside to protect the prehistoric remains found there, including the largest Middle Woodland Period (ca. 200 B.C.-A.D. 400) archaeological site in the Southeast; and
- Whereas: Due to its significance and uniqueness, Pinson Mounds State Archaeological Area was designated a National Historic Landmark in 1964; and
- Whereas: The Department of Agriculture's Division of Forestry currently operates a tree nursery ("Pinson Reforestation Complex") on the property; and
- Whereas: Tree planting and tree removal on archaeological sites damage the integrity of the sites; and
- Whereas: Tree planting and tree removal on Native American sites is extremely disrespectful of Native American culture;

Therefore Be It Resolved,

That the Tennessee Commission of Indian Affairs request legislative action:

1. To assure no further tree planting in the Pinson Mounds State Archaeological Area/National Historic Site; and
2. To assure no intrusive removal of any trees from the Pinson Reforestation Complex; and
3. Requesting the Division of Forestry vacate the Pinson Mounds State Archaeological Area/National Historic Site as soon as possible, with just compensation or trade for the Pinson Reforestation Complex property.

*Adopted unanimously by the Tennessee Commission of Indian Affairs
3 December 2005 Memphis*

Appendix G

HOUSE JOINT RESOLUTION 84 - Filed for intro on 02/07/2005 by Johnson R

General Assembly, Directed Studies - Urges Tennessee valley authority to
refrain from the sale of land designated for public use.

A RESOLUTION concerning land designated for public use owned by the Tennessee Valley Authority.

WHEREAS, it is the duty of this General Assembly to encourage the responsible ownership by the Tennessee Valley Authority of those lands designated for public use within this State; and

WHEREAS, the Tennessee Valley Authority (TVA) has established during the course of its history a precedent in which it designates many acres in and around its projects within this State as public land, allowing any and all the opportunity to enjoy the natural beauty of Tennessee; and

WHEREAS, TVA's public lands provide also significant natural resource benefits to Tennessee's fish and wildlife and thereby benefit the citizens of this State and nation who enjoy and value those resources; and

WHEREAS, recent movements by TVA to sell, trade, or otherwise transfer parcels of land designated for public use to developers for the purposes of private development are troubling to the members of this body, and represent a marked change from its former approach; and

WHEREAS, the development by private parties of these lands will affect many aspects of life in and around TVA's lakes, including increasing traffic on and around the lakes, destroying wildlife habitats, abolishing green space, and limiting hunting and fishing opportunities; and

WHEREAS, the sale, trade, or transfer of TVA lands designated for public use not only represents a change from its traditional code of conduct, but also establishes a disturbing precedent by which all land held by TVA and designated for public use may be sold for the purpose of private development, resulting in the loss of use by the public of many acres of Tennessee's most impressive land; now, therefore,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE ONE HUNDRED FOURTH GENERAL ASSEMBLY OF THE STATE OF TENNESSEE, THE SENATE CONCURRING,

that this General Assembly hereby urges the Tennessee Valley Authority and its agents and agencies to refrain from the sale, trade, or otherwise transfer of lands it currently owns and has designated for public use to private developers or to any who might use such land for private development.

BE IT FURTHER RESOLVED, that an appropriate copy of this resolution be delivered to the Tennessee Valley Authority Board of Directors and to each member of the Tennessee congressional delegation with this final clause omitted from such copy.

*Adopted unanimously by the Tennessee Commission of Indian Affairs
3 December 2005 Memphis*

Appendix H

Filed for intro on 02/23/2006
SENATE BILL 3455 by Jackson
HOUSE BILL 3544 by Kernell

AN ACT to amend Tennessee Code Annotated, Section 4-34-104, relative to the Tennessee commission on Indian affairs.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 4-34-104(a), is amended in subdivision (2) by deleting the language "grand divisions of the state; and" and by substituting instead the language "grand divisions of the state. A member appointed from a grand division shall not be a resident in a metropolitan area or county contiguous thereto as provided in subdivision (1); and".

SECTION 2. Tennessee Code Annotated, Section 4-34-104(a), is further amended by adding a new subdivision thereto, as follows:
(4) Each member shall be a resident in the area from which the member is appointed at least six (6) months prior to the member's appointment.

SECTION 3. Tennessee Code Annotated, Section 4-34-104(b), is amended by adding a new subdivision thereto, as follows:
(5) Persons voting at a Tennessee Native American convention shall be entitled to vote only in the caucus area in which they are domiciled.

SECTION 4. This act shall take effect upon becoming a law, the public welfare requiring it.

CAUCUS AREAS

- A) The metro caucus areas and the grand divisions in which they are located shall be considered separate and equal caucus areas and
- B) Nominees shall be eligible for election only for the caucuses in which they are legal residents.

*Adopted unanimously by the Tennessee Commission of Indian Affairs
3 December 2005 Memphis*

*2005 Referendum, approved by the Tennessee Native American
Convention on 24 September 2005*

Appendix I

A Resolution for the Recognition of the Historic Native American Indian Tribes of Tennessee

1. WHEREAS, the area that now encompasses the Great State of Tennessee was once the homeland and tribal hunting grounds of a number of First Nations People who had great attachment to the land and who did staunchly defend their right to live, hunt, and draw nourishment from that land; and
 2. WHEREAS, those same people were decimated by imported diseases, warfare, and continual encroachment upon their land, their livelihood, and their way of life; and
 3. WHEREAS as their numbers dwindled, their rights were usurped at the whim of foreign governments; and whether by choice, by force, or by treaty, these First Nations were made to give up their Natural Birthright and remove to other lands; and
 4. WHEREAS although the tribes themselves were removed, many individuals managed to remain behind in the lands of their nativity; or, after removal, to return to the lands of their ancestry; and
 5. WHEREAS the Eastern Ridge and Valley Region of the Tennessee River and its tributaries was known to be the home of the Yuchi Tribe, the Koasati Tribe, and the Tuskegee Tribe in times of earliest contact with the white man; and the evidence of early Muscogee (Creek) occupation in the same region is exhibited by the names of historic Indian towns such as Chattanooga, Tallassee, Etowah and Ooltewah; and
 6. WHEREAS the tribes in this region were later supplanted by the Cherokee Tribe, who, in many cases, kept the same town names established by the earlier tribes; and went on to establish numerous new towns such as Tellico, Echota, and Settico; and claimed all of Middle Tennessee as their territorial hunting ground; and who, after 1729, allowed a band of the Natchez Tribe to establish a town in what is now known as Monroe County, in an area that is still known as Notchy Creek; and
 7. WHEREAS about the time of the American Revolution, a war chief known as Dragging Canoe and his followers did separate from the Cherokee Nation and form a new tribe known as the Chickamaugas; and they established new towns in the lower Tennessee and Sequatchie River valleys, both within Tennessee and the neighboring states of Georgia and Alabama; and
 8. WHEREAS the Chickasaw Tribe once occupied the area that was known as the Chickasaw Bluffs, and is now within the City of Memphis; and the Chickasaws claimed all of Middle Tennessee and West Tennessee as their territorial hunting grounds; and
 9. WHEREAS portions of the Shawnee Tribe once lived in the Cumberland Basin of Tennessee before twice being expelled by an alliance of the Cherokees and Chickasaws; and after the formation of the Chickamauga Confederacy, the Shawnees were allowed to establish towns among their newfound allies, and left a memento of their name in the modern town of Sewanee; and
 10. WHEREAS beginning in 1952, several members of the Choctaw Tribe began to move into Lauderdale and Shelby Counties in West Tennessee in search of employment, and established communities there; where, in 1992 the Federal Government purchased 172 acres near Henning to establish housing for them; and they still retain their language and practice many of their customs; and
 11. WHEREAS there are many pre-historic Indian sites in Tennessee, such as Pinson Mounds, Old Stone Fort, and many lesser-known archaeological sites whose precise links to modern or historical tribes has yet to be definitively established;
- BE IT HEREBY RESOLVED, that the above mentioned First Nations Peoples known as the Yuchi, Koasati, Tuskegee, Muscogee (Creek), Chickasaw, Natchez, Cherokee, Chickamauga, Shawnee, and Choctaw, be recognized as the Historical Tribes of Tennessee; and
- BE IT FURTHER RESOLVED, that any other tribe(s) that archaeological or historical research can link to Tennessee will likewise be given recognition as an Historical Tribe of Tennessee when sufficient evidence is presented.

Approved by the Tennessee Commission of Indian Affairs on 4 March 2006, Nashville

Appendix J

American Indian Research Initiative and State-Wide Health & Education Community Assessment 2007 Proposal

Whereas: American Indians / Alaskan Natives living off-reservation in states without federal / state recognized tribes have the highest rates of health and education-related social problems, then it is logical to hypothesize that Tennessee American Indians / Alaskan Natives would be representative, and

Whereas: Given recent political and economic changes from 2000 to 2008, health and education-related social problems among Tennessee American Indians / Alaskan Natives are likely to get much worse in the next decade, and

Whereas: Members of the Tennessee Native American Indian Community have completed initial training for developing funding applications, consulted with experts in the statistical and sociological fields, and are prepared to assist the Commission in meeting its responsibilities to the Tennessee Native American Indian community, and

Whereas: The Purposes, Powers and Duties of the Tennessee Commission on Indian Affairs (TCA 4-34-102, 103) assign to the Commission the responsibility to determine the state of the Native American Indian community in Tennessee in order to address its wants and needs;

THEREFORE be it resolved that the Tennessee Commission on Indian Affairs shall:

1. Establish an American Indian Research Initiative at this commission meeting (March 17, 2007) that will develop, submit a plan for, and provide oversight of the funding and conducting of a state-wide community assessment and study with the purpose of obtaining objective data to assess the health and education status of Native American Indians living in the State of Tennessee for 2000 to 2010; and
2. Appoint the following individuals who have expressed both interest and a willingness to commit significant time to this project to the research initiative:

- * Marion Orrick, Sociologist
- * Donna Smith, Support Staff
- * Valerie Ohle, Grant Writer
- * tom kunesh, Commissioner
- * Melba Checote-Eads, Health Care Profession

Approved and adopted by the TN Commission of Indian Affairs, 17 March 2007 Nashville

Appendix K

Resolution of TNCIA Support for the Native American Indian Association of Tennessee Circle of Life Center

1. Whereas: 95% of the history of human habitation in Tennessee is Native American Indian; and
2. Whereas: Nashville, the capital city of Tennessee, and Davidson County have the second largest Native American Indian population in the state of Tennessee; and
3. Whereas: The Native American Indian Association of Tennessee (NAIA) is the oldest non-profit organization in the state whose board of directors' is composed of a majority of Native American Indians who are members of federally recognized tribes; and
4. Whereas: The Native American community of Tennessee has no permanent meeting place, library or repository for archives, no intertribal museum, performance venue, exhibit space, nor meeting and pow-wow grounds; and
5. Whereas: There is a great need and desire for a Native American Indian Center in Tennessee as a venue for Native American cultural activities and programming; and
6. Whereas: It has been estimated that over half of the people born in Tennessee are descendants of Native Americans and would benefit from continued educational program development provided by and located at a Native American Indian Center; and
7. Whereas: There is a need for a location in Tennessee that focuses on meeting the educational needs of non-native children and those who are of Native American descent; educating them in Native American Studies and
8. Whereas: For 25 years NAIA has brought in tourism dollars from all over the United States at its annual Pow-Wow highlighting the cultural diversity of Tennessee; and
9. Whereas: The NAIA Tennessee State Pow-Wow generates over \$50,000 annually in local and area tourism dollars, a number that can only increase with larger pow-wow grounds and on-site resources;

Therefore be it resolved by the Tennessee Commission of Indian Affairs,
That the TNCIA support and endorse the creation and construction of the Circle of Life Indian Center as proposed by the Native American Indian Association of Tennessee.

Approved and adopted by the TN Commission of Indian Affairs, 9 June 2007 Chattanooga